

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

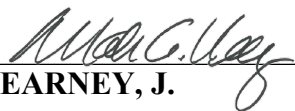
THERESA DRUMHELLER	:	CIVIL ACTION
	:	
v.	:	NO. 20-6535
	:	
JOHNSON & JOHNSON, <i>et al.</i>	:	

ORDER

AND NOW, this 10th day of May 2021, upon considering Defendants' Motion to dismiss (ECF Doc. No. 20) the first amended Complaint (ECF Doc. No. 16), Plaintiff's Response (ECF Doc. No. 23), Defendants' Reply (ECF Doc. No. 27), and for reasons in the accompanying Memorandum, it is **ORDERED** Defendants' Motion (ECF Doc. No. 20) is **GRANTED in part** and **DENIED in part**:

1. Defendants' Motion (ECF Doc. No. 20) is **GRANTED** in part as to dismiss the claims for negligent manufacturing, strict liability design defect, failure to warn, and manufacturing defect, breach of the express or implied warranty, common law fraud, constructive fraud, fraudulent concealment, negligent misrepresentation, and unjust enrichment as well as the standalone claim for punitive damages and gross negligence although Plaintiff may proceed in attempting to prove a basis for punitive damages in discovery; and,

2. Defendants' Motion (ECF Doc. No. 20) is **DENIED** as to claims for negligent design, negligent failure to warn, and negligent infliction of emotional distress requiring Defendants file an answer to those claims no later than **May 24, 2021**.



KEARNEY, J.